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UNITED STATES DISTRICT COURT
THIRD DISTRICT of EASTERN PENNSYLVANIA

Michael & Denise Pugh
Plaintiff

vs.

FIRST NIAGARA, et al

LOIS M. VITTI & VITTI & VITTI ASSOC.,

Third Parties, et al

United States Department of Housing and

Urban Development, et al

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CIVIL ACTION NO.

13 5373

Complaint

Injunction to Stop

Unlawful Foreclosure Fraud,

and Constitutional Violations

of Due Process

The above-captioned case comes before this Honorable Court on a Petition for Immediate Injunction to prevent unlawful foreclosure and the denial of due Process by FIRST NIAGARA, et al., LOIS M. VITTI, et al & VITTI & VITTI ASSOC., P.C., and, under the Uniform Commercial Code the United States Codes, FRCP Rule 65, and The Administrative Procedures Act 1946 for remedies and relief.

COMES NOW, first the Plaintiff(s) Michael Eric Pugh, Sr & Romaine Denise Pugh, by way of "Special Appearance" hereby affirmed under the laws of the United States and the Uniform Commercial Code to petition this honorable court for the remedies established within those entitlements / immunities that the stated facts are true, correct, complete, certain, and not misleading based on informed knowledge and belief to be true.

Introduction

The Plaintiff request verification of debt from defendants, FIRST NIAGARA., et al & ; in order to establish whether Defendants have standing to bring forth remedies entitled to the Defendants, Plaintiffs requests the Defendants to produce evidence as proof of claim under the rule of Habeas Corpus (Discovery???) and also pursuant upon U.S.C. Title 18, Part 1, Chapter 101 Sec 2071. The Plaintiffs have revoked Power of Attorney and rescinded signatures on questionable mortgage / securities Documents (deed's, notes, assignments, etc) alleged appointed Trustees for FIRST NIAGARA., et al.

Statement of Facts

Name the Person or Party that issued the MORTGAGE, and is that Party lawfully documented and identified as the present HOLDER(s) of the alleged LOAN or PROMISSORY NOTE?

Demands where offer to settle this dispute on the commerce private side to cure All Parties and third parties actors is this action has force the true "Holder In Due Course" to file this cause of complaint action against all of the above named defendants for fraudulent and unlawful Foreclosure actions. The parties involved in this actions have put the true "Holder In Due Course" under the threats of Foreclosure-gate or Foreclosuregate. On or about January 23, 2013 AD a letter was received by the true original "Holder In Due Course" stating that a foreclosure

shall place for the sale of the property known as: 359-361 Glen Crest Road East, Valley Township, PA, in Chester County. Over the past several months debt collections agencies and attempts by attorneys, lawyers, and debt collectors, on the real property known as: 359-361 Glen Crest Road East, Valley Township, PA, in Chester County. The amounts of the purported alleged debts has varies in the amounts to be collected. Therefore, as a result of the practices the true original "Holder In Due

Course" has demanded by Presentments by affidavits demanding certified and verifiable accounting by (GAAP); General Accepted Accounting Procedure standards and procedure. And, to date none of the above stated purported alleged debt collectors has produce or provided any evidence to support their claims of having any standing of this matter for debt for collection. Further, in those debt collections demands the titles referred upon to the true "Holder In Due Course" has varied also from debtors, to mortgagors, etc. The true "Holder In Due Course" have also demanded that the so called collectors practice the laws of the Fair Debt Collection Practice Act (FDCPA); but all collectors failed to comply with those laws. In light of justice this complaint is timely and rightfully filed in the proper venue to adjudicate for and order to signed granting the Plaintiffs relief for Injunction to Stop Unlawful Foreclosure Fraud and Constitutional Violations of Due Process.

The original Mortgage was bought by first and second purported alleged mortgage on the stated property without any mention thereto. **Furthermore,** Judicial practices: Some[who?] argue that much of the problem arises from a tendency of the courts to favor lenders, and to shift the burden of proof of compliance with the terms of the debt instrument to the debtor. According to this argument, it should not be the duty of the borrower to make sure his payments are getting to the current note-owner, but to make evidence that all payments were made to the last known agent for collection sufficient to block or reverse repossession or foreclosure, and eviction, and to cancel the debt if the current note owner cannot prove he is the "holder in due course" by producing the actual original debt instrument in court. Consumers believe that they are protected by consumer protection laws, when their lender is really operating wholly outside the laws. Refer to 12 C.F.R. 226.

Violations of Federal and State Constitutions, Codes, and Case Laws

1. 4th and 5th Amendments Bill of Rights 1791;
2. General Accepted Accounting Procedure (GAAP);
3. Summary Judgment based on unverified debt collection. Violates consumer debt protection. See: Pennsylvania consumer laws.
4. Home Ownership and Equity Protection Act of 1994, 15 U.S.C. § 1639, as amended;
5. Fair Debt Collection Practice Act (FDCPA);
6. Constitution of Pennsylvania Article 1 Bill of Rights, Section 1, Rights of the

- People. Paragraph I, II, IV, V, VI, VII, IX, X, XI, XII, XIII,;
7. The Administrative Procedures Act 1946;
8. Federal National Mortgage Association;
9. Uniform Commercial Code;
10. Numerous Res Judicata Case decisions support the claims by the Holders In Due Course, "The Saving to the Suitors Clause" at USC 28 - 1333(1).,

Respectfully submitted,

By: Michael E. Pugh Sr. & Denise Pugh Sr. [SEAL]
Michael & Denise Pugh, Holder In Due Course, All Rights Reserved

WHEREFORE, the Plaintiff's hereby seek recoupment from the Promissory Note/Security Instrument per UCC 3-305 and a claim per UCC 3-306. The Plaintiff also seek an immediate injunction and restraining order from unlawful eviction due to unlawful foreclosure upon Proof of Claim that the Defendants are 'Holder in Due Course' of The Original Promissory Note/Security Interest.

Further remedy is sought for this court to set aside the foreclosure until Defendant's Prove they had a Lawful right to foreclose. The Plaintiff's seek treble damages from defendants upon Proof that any of the above violations occurred.

Further; upon proof that this matter has not been lawfully satisfied / discharged; The Plaintiff stands ready willing and able to satisfy / discharge; see attached copy of the CASHIER'S CHECK number: 100207 for the amount \$85,063.61; Payable to, Michael E. Pugh Sr. and/or First Niagara Bank.

SO ORDERED this _____, day _____, 2013

Judge

Trial Date to be set at: _____

CERTIFICATE OF SERVICE

Michael & Denise Pugh El, *Sui Juris*, hereby certify, under penalty of perjury, under the laws of the United States of America, that the Plaintiffs are at least 18 years of age and that the document was personally served upon the following parties(s)

Clerk of Court

United States Department of Housing and Urban Development
Jane C.W. Vincent, Regional Administrator
The Wanamaker Building
100 Penn Square East
Philadelphia, PA 19107-3380

Lois M. Vitti
215 Fourth Avenue
Pittsburgh, Pennsylvania 15222

First Niagara Bank
Gary Cosby; Chief Executive Officer
726 Exchange Street
Buffalo, New York 14210

**COMPLAINT FOR IMMEDIATE INJUNCTION,
RESTRAINING ORDER AND SETTING ASIDE ALLEGED FORECLOSURE:
JURY TRIAL DEMANDED**

By filing by firsthand and placing one true and correct copy of said document(s) in United States Postal Service Registered Mail, with postage prepaid with return receipt requested and properly addressed to: to all parties in this cause of actions.

Summons shall be served upon all parties by the United States Marshall Service.
Per request.



**Keystone Federal
Credit Union**
THE EDUCATED CHOICE
1052 ANDREW DRIVE
WEST CHESTER, PA 19380

THIS CHECK HAS A COLORED BACKGROUND AND CONTAINS MULTIPLE SECURITY FEATURES. SEE BACK FOR DETAILS.

Case 2:13-cv-05373-MMB

Document 1

KEYSTONE FEDERAL CREDIT UNION
WEST CHESTER, PA 19380

60-8032
2513

Filed 09/16/13 Page 7 of 16

100207

CASHIER'S CHECK

DATE
09/04/13

AMOUNT
\$*****85,063.61

PAY EIGHTY-FIVE THOUSAND SIXTY-THREE AND 61/100 DOLLARS-----

VOID AFTER DAYS

TO
THE
ORDER
OF
Remitter

MICHAEL E PUGH, SR
AND/OR
FIRST NIAGARA BANK



[Signature]
AUTHORIZED SIGNATURE

COPY

⑈ 100207 ⑈ ⑆ 231380324⑆ 0760000109⑈44

TELLER CHECK WRITER

CASHIERS CHECK

Mbr Number: ***784 Teller: 20 BR: 001 Date: 09/04/13
Mbr Name: MICHAEL E PUGH, SR Txn: 878 Time: 16:30:39 CAN: 2226
Pay to: MICHAEL E PUGH, SR
Check Number: 100207

Checks Disbursed: \$85,063.61

Transactions Posted	Account	Txn Amount	Ending Balance
FROM ACCT TYPE - MULT CHECKS		\$85,063.61-	

THANK YOU FOR YOUR PATIENCE DURING OUR CONVERSION UPGRADE!

ENDORSE HERE:

K

DO NOT SIGN / WRITE / STAMP BELOW THIS LINE
FOR FINANCIAL INSTITUTION USAGE ONLY

BP

Original
Document



COPY

BP

* SECURITY FEATURES LISTED BELOW EXCEED INDUSTRY STANDARDS

SECURITY FEATURE	DESCRIPTION FOR FEATURE
Heat Sensitive Layer	Responds to heat from all heat sources. Rubbed, scraped, scratched, or applied to the sheet will turn the color to the color of the background.
Watermark	Watermark applied to paper. Hold up to light to verify.
Fluorescent Fibers	Invisible. Fibers mixed into the paper that become visible under ultraviolet light.
Chemical Reactivity	Paper reacts to chemical alteration during a variety of tests.
Optical Background	Colorful pattern. Special attention.
Warning Border	Alerts financial institutions that the paper is not a security document.
Micro Printing	Border. Sign line. The text "Security Document" is printed. Warning to verify. Paper. Paper. Paper.
Colorful Border	Colorful border. The text "Security Document" is printed. Warning to verify. Paper. Paper. Paper.

AFFIDAVIT OF MAILING

CERTIFIED MAIL # 7011 3500 0000 2514 3899 RRR

Mailed By: Lavaris Hopkins, Notary Public

P.O. Box 797

Snellville, Ga. 30078

I am over 18 years of age and not a party to the within action; my business address is:

Lavaris Hopkins

P.O. Box 797

Snellville, Ga. 30078

On the 30TH of April 2012 I mailed one copy of the following:

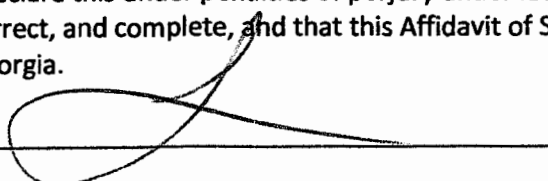
1. ETF INSTRUMENT \$ 75,974.93 for Mortgage Loan # 117000624 (1) page
2. COPY OF FIRST NIAGARA MORTGAGE STAMENT DATED APRIL 20, 2012 (1) page

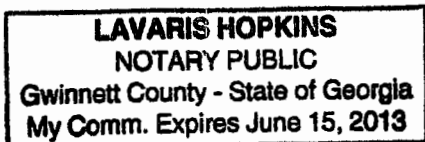
A total of FOUR (2) pages mailed herewith, including all attachments (not including this Affidavit of Mailing) by United States Postal Service Certified Mail Article No. # 7011 3500 0000 2514 3899 Return Receipt Requested, in a sealed envelope with postage pre-paid, properly addressed to FIRST NIAGARA as follows:

To: FIRST NIAGARA
MORTGATE LOAN DEPT
PO BOX 514
LOCKPORT, NY 14095-0514

CERTIFIED MAIL: 7011 3500 0000 2514 3899
RETURN RECEIPT REQUESTED

I declare this under penalties of perjury under laws of the State of Georgia that the above is true, correct, and complete, and that this Affidavit of Service was executed on APRIL 30, 2012 at Snellville, Georgia.


Lavaris Hopkins
Notary Public
Notary Public and for said State of Georgia
My Commission Expires _____



Page 1 of 1

AFFIDAVIT OF MAILING

CERTIFIED MAIL # 7011 3500 0000 2514 3899 RRR



March 20, 2012

Attention: Rita Marina 610-383-6181

RE: Michael E. Pugh Sr.
359 Glencrest Road
Valley Township, PA 19320

Payoff Quote for Mortgage#: XXXXX0624

Property Address: 359 Glencrest Road
County: Chester

As requested, the following figures reflect the amount necessary to pay the above loan in full.
This payoff quote is good through: April 20, 2012

Principal Balance: \$75,974.93
Interest: \$301.71
Unapplied Balance: \$0.00
Insurance: \$0.00
Late Charges: \$0.00
Other Charges: \$0.00
Assignment Fee: \$0.00
A&H Rebate: \$0.00
Life Rebate: \$0.00
Escrow Balance: \$0.00

(If taxes are scheduled to be paid from the above escrow balance this may affect the total payoff amount)

Discharge/Satisfaction Fee: \$63.00

Total Payoff Amount: \$76,338.64 SEE ESCROW/TAX COMMENTS BELOW

The per diem is: 5.98433

IMPORTANT: This payoff quote is subject to change. If applicable, taxes and/or insurance that are scheduled to be paid from escrow disbursements for the purpose of paying taxes and insurance, will continue until the loan is paid in full unless borrower notifies us in writing to NOT pay the scheduled disbursement. It is then the borrower's responsibility to contact the taxing authority and/or insurance co. for payment due. Automatic payments, if applicable, will continue until the loan is paid in full.

MAILING ADDRESS

(US POSTALONLY, including Express and Priority):

First Niagara Bank, N.A.
Loan Servicing Dept.
6950 S. Transit Rd
Po Box 514
Lockport, NY 14095-0514

OVERNIGHT ADDRESS

(Fed Ex, UPS, DHL .. Etc):

First Niagara Bank, N.A.
Loan Servicing Dept.
4224 Ridge Lea
Amherst NY 14226

WIRING INSTRUCTIONS

First Niagara Bank NA
6950 So Transit Rd
Lockport NY 14095
ABA: 222370440
Acct #: 2522011010
Attn: Loan Servicing Payoff Dept.

If you have any questions, please call the Loan Servicing Department at
1-800-421-0004

Should the payoff remittance be insufficient for any reason, the Bank will apply funds first to interest, and then to the outstanding escrow, outstanding late/other charges, then to principal and a balance will remain outstanding. The Bank will give notice of the insufficiency but interest and late charges will continue to accrue.

CREDIT PAUL DAVID SAVAGE 1312 VALLEY ROAD VALLEY TOWNSHIP, PA 19320		MICHAEL E. PUGH ACCOUNT # 117 000 624 1020 37-65/1119 1117 5307682533
PAY to the Order of FIRST NIAGARA		30 APR 12 Date
SEVENTY FIVE THOUSAND NINE HUNDRED SEVENTY FOUR DOLLARS		\$ 75,974.93
EFT ONLY		DO NOT ACH
FOR DISCHARGE OF DEBT		Paul Savage 30 APR 12
1119006591 5307682533 01020		

NOT FOR DEPOSIT
 DO NOT ACH
 EFT ONLY
 FOR DISCHARGE OF DEBT
 Paul Savage 30 APR 12
 AUTHORIZED REPRESENTATIVE
 WITHOUT RECOURSE



MICHAEL ERIC PUGH SR. <mpugh5@gmail.com>

U.S. Postal Service Track & Confirm email Restoration - 7011 3500 0000 2514 3899

1 message

U.S._Postal_Service_ <U.S._Postal_Service@usps.com>
To: MPUGH5@gmail.com

Fri, Aug 10, 2012 at 5:41 AM

This is a post-only message. Please do not respond.

MICHAEL PUGH EL has requested that you receive this restoration information for Track & Confirm as listed below.

Current Track & Confirm e-mail information provided by the U.S. Postal Service.

Label Number: 7011 3500 0000 2514 3899

Service Type: Certified Mail(TM)

Shipment Activity	Location	Date & Time
Delivered	LOCKPORT NY 14095	05/03/12 9:08am
Arrival at Unit	LOCKPORT NY 14094	05/03/12 6:43am
Processed at USPS Origin Sort Facility	BUFFALO NY 14240	05/03/12 12:43am
Dispatched to Sort Facility	SNELLVILLE GA 30078	04/30/12 6:52pm
Acceptance	SNELLVILLE GA 30078	04/30/12 3:19pm

USPS has not verified the validity of any email addresses submitted via its online Track & Confirm tool.

For more information, or if you have additional questions on Track & Confirm services and features, please visit the Frequently Asked Questions (FAQs) section of our Track & Confirm site at <http://www.usps.com/shipping/trackandconfirmfaqs.htm>

Account Detail Printable View



****0624 - I L VAR 0001

Account Number: ****0624
 Account Name: I L VAR 0001
 Principal Balance: .00
 Amount Due: .00
 Due Date: 05/01/2012 00:00
 Last Payment Date: 05/03/2012 00:00
 Current Escrow Balance: .00
 Year to date Interest: 930.26
 Previous Year Interest: 2,799.46

Transactions pending				
Date	Transaction	Description Payee	Status	Amount
No Pending Transactions				

Transactions posted between 04/04/2012 and 05/04/2012								
Date	Transaction	Description Payee	Status	Other	Interest	Principal Amount	Amount	Balance
05/04/2012	Credit	PAYOFF	✓	.00	-199.48	-75,786.96	-75,986.44	.00

Transaction Status Legend:

/   X
 Posted Scheduled In Progress Problem

Paid-off
Loan #117000624
Michael Pugh Sr.

5-4-12

Agm 2077

Del. Del on P/H
\$174.51



**FIRST
NIAGARA**
Bank

Rita Marina
Relationship Banker

Tel: 610-383-9300
Fax: 610-383-6181
Rita.Marina@fnfg.com

102 Airport Rd | Coatesville, PA 19320

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Account Summary

Today's Date: Friday, May 4, 2012
Last Login: Friday, May 4, 2012 12:13:22 PM EDT

Welcome Michael Pugh Sr.

Account Balances					
Checking					
Account Number	Account Name	Current Balance	Available Balance	As Of	
*****5348	Choice Checking	-33.90	-33.90	05/04/2012 14:13	
Savings					
Account Number	Account Name	Current Balance	Available Balance	As Of	
*****3728	Statement Savings	.00	.00	05/04/2012 14:13	
Mortgage					
Account Number	Account Name	Principal Balance	Amount Due	Due Date	
*****0624	LL VAR 0001 - Closed	.00	.00	05/01/2012 00:00	
Transactions					
Quick Transfer					

Info Center	
	View Alerts:
	View Messages:
	View Reminders:

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[Copyright Information](#)



5/07/12

Michael E Pugh Sr
359 Glencrest Rd
Valley Township PA 19320-3005

Re: Loan Discharge *****0624

Dear Customer(s):

We hereby acknowledge receipt of the final payment on the above mortgage. Please be advised of the following that pertain to your loan (all line(s) indicated with a '✓'):

Recorded Discharge of Mortgage:

☒ We will be sending your original discharge to the appropriate Town or County Clerk's Office for recording.

Refund of Escrow or Overpayment:

☐ Enclosed is our bank draft for escrow refund and/or overpayment.

☒ No refund enclosed, funds received were exact to the payoff.

Your escrow account has been closed and payment for outstanding taxes will now be your responsibility (unless another escrow account has been established with another mortgage investing institution). A final escrow history will be mailed to you in approximately 2 weeks. Please notify your tax collector that your loan has been paid in full and to forward future tax bills to your attention. If your homeowner's insurance was part of your escrow, please notify your insurance company to forward future insurance bills to your attention and if this is the only loan associated with this property at First Niagara Bank the mortgage clause should be removed.

Sincerely,

Loan Servicing Department

1-800-421-0004